

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,
Petitioner,
v.
WARDEN, San Quentin State Prison,
Respondent.

No. 2:01-cv-0507 MCE DB
DEATH PENALTY CASE

ORDER

In response to the undersigned's January 11, 2023, order (ECF No. 614), the parties submitted a joint statement setting a plan for final discovery deadlines in advance of the evidentiary hearing, including new and updated Rule 16 expert disclosures. (ECF No. 632.) The parties indicated that due to circumstances beyond their control they have yet to conduct depositions of petitioner's neuropsychologist, respondent's psychiatrist, petitioner's trial counsel, and lay life history mitigation witnesses.

The court also notes that petitioner also submitted a renewed request seeking a referral for mediation. As the court previously stated, it will not refer this action for mediation unless both parties express a willingness to participate.

Accordingly, and good cause appearing, IT IS HEREBY ORDERED that:

1. Petitioner's request for a court order directing the parties to participate in mediation is denied without prejudice; and

- 1 2. The parties shall file a joint statement on or before February 2, 2024, setting forth whether
2 the depositions of Dr. Miora, Dr. Stewart, Mr. Riel's trial attorney Russell Swartz, Juanita
3 Martin, and Donna Schwan have been conducted or are scheduled and setting a plan for
4 final discovery deadlines in advance of the evidentiary hearing.

5 Dated: October 11, 2023

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9 DEBORAH BARNES
10 UNITED STATES MAGISTRATE JUDGE

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